

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION

SERGIO FACUNDO, on behalf of himself and all others similarly situated and JUAN MARTINEZ,	)	
	)	
	)	
Plaintiffs,	)	
	)	Civil Action No.: 4:15-CV-808-ALM
v.	)	JURY DEMANDED
	)	
GANT CONTRACTORS, INC. and	)	
PAUL E. GANT,	)	
	)	
Defendants.	)	

**AGREED MOTION TO DISMISS WITH PREJUDICE**

**TO THE HONORABLE JUDGE OF SAID COURT:**

COME NOW Plaintiffs, Sergio Facundo and Juan Martinez, the individuals that have filed a consent pursuant to 29 U.S.C. Sec. 216 (b) to opt-in to become a plaintiff in the above entitled and numbered cause, Osbaldo Ocana, Mario Gonzales, Oscar Martinez and Leopoldo Licea, and Defendants, Gant Contractors, Inc. and Paul E. Gant, and file this Agreed Motion to Dismiss with Prejudice any and all claims asserted herein and in support thereof, would respectfully show as follows:

**I.**

The parties and individuals listed above have reached an agreement to resolve and settle any and all claims and disputes made the basis of this action.

**II.**

As a result of the settlements, Plaintiffs, the above named individuals that have filed a consent pursuant to 29 U.S.C. Sec. 216 (b) and Defendants have stipulated to the

dismissal with prejudice of any and all claims which have been asserted in this action and hereby request the entry of an Order of Dismissal, **with prejudice**, of any and all claims which have been asserted in this action and ordering that all costs and fees, including attorneys' fees shall be borne by those incurring same. The Settlement Agreement reached in this matter is contingent upon the court retaining jurisdiction to enforce the terms of the settlement agreement, therefore it is requested that the Court include a provision in the Order of Dismissal retaining such jurisdiction.

A proposed Order accompanies this Motion pursuant to Local Court Rule CV-7(a).

Dated: April 29, 2016

Respectfully submitted,

**LOREN LAW GROUP**

By: /s/ James M. Loren

James M. Loren, Esquire

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**ATTORNEY FOR PLAINTIFFS AND  
INDIVIDUALS FILING A 29 U.S.C. Sec. 216  
(b), REQUEST**

**AND**

**SIEBMAN, BURG, PHILLIPS & SMITH, LLP**

By: /s/ Lawrence A. Phillips

Lawrence A. Phillips

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**ATTORNEY FOR DEFENDANTS**

**CERTIFICATE OF SERVICE**

The undersigned certifies that on this 29<sup>th</sup> day of April, 2016, all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document through the Court's CM/ECF system under Local Rule CV-5(a)(3). Any other counsel of record will be served by facsimile transmission and/or first class mail.

By: /s/ James M. Loren  
James M. Loren, Esquire